

AMENDED IN ASSEMBLY JUNE 16, 2010
AMENDED IN ASSEMBLY JUNE 7, 2010
AMENDED IN ASSEMBLY MARCH 11, 2010
AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

SENATE BILL

No. 88

**Introduced by Senator DeSaulnier
(Coauthor: Senator Wiggins)**

(Coauthors: Assembly Members Huffman, *Jeffries*, Jones, Lieu, Miller,
Nielsen, and Torrico)

January 20, 2009

An act to amend Section 5101.2 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 88, as amended, DeSaulnier. Vehicles: ~~firefighter's~~ *firefighter* license plates.

Existing law requires the Department of Motor Vehicles to issue, upon the payment of an initial fee of \$35 and a \$20 fee for each renewal of registration, special interest license plates to firefighters who meet prescribed requirements. The revenue derived from the payment of these special fees for ~~firefighter's~~ *firefighter* license plates, less the department's costs, are required to be deposited in the California Firefighters' Memorial Fund.

This bill would increase those fees to \$50 for the initial issuance of the special license plates and \$35 for each renewal of registration of the vehicle.

Existing law also requires, upon the death of the person to whom the special firefighter license plates were issued, that the plates be transferred to the surviving spouse, if he or she requests it.

This bill would instead require that the plates be automatically transferred to the surviving spouse, and in the absence of a surviving spouse or where the surviving spouse dies while in possession of the special license plates, the bill would authorize a member of the deceased firefighter's family, as defined, to retain one of the special license plates as a family heirloom, subject to specified conditions—~~and upon submission of an affidavit to the department agreeing not to attempt to use the special license plate for vehicle registration purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The California Firefighters' Memorial Fund provides
4 critically needed assistance to the California Fire Foundation
5 (Foundation), a nonprofit 501(c)(3) tax-exempt organization
6 charged with conducting annual ceremonies and maintaining the
7 upkeep of the California Firefighters Memorial, which is located
8 in Capitol Park and was unveiled in 2002 to honor our state's
9 firefighters who have made the ultimate sacrifice in their call to
10 duty.

11 (b) Etched in the memorial's limestone walls are the names of
12 over 1,000 men and women who relentlessly put themselves in
13 the face of danger every day, protecting the people and property
14 of the great State of California.

15 (c) The Foundation is further charged with providing emergency
16 assistance and support to the families of fallen firefighters and is
17 involved in an array of victim assistance and public education
18 programs, including Firefighters on Your Side, a statewide program
19 educating every population and language group about fire safety.

20 (d) When disaster strikes, firefighters are the first responders.
21 Because of their close contact with the communities in which they
22 serve, the Foundation works with local firefighters throughout the
23 state to identify unmet needs in their communities and help them

1 carry out programs to enhance services in their jurisdictions before,
2 during, and after the alarm bell rings.

3 (e) The California firefighter license plate program was designed
4 and created by California Professional Firefighters. Using an image
5 from the box office movie hit, “Backdraft,” the California
6 firefighter license plate has become a key trademark within the
7 fire service, enabling only active and retired firefighters to buy
8 these plates for display on their automobiles, trucks, trailers, and
9 motorcycles, where a portion of the proceeds become a source of
10 support for the families they may one day tragically leave behind.

11 (f) Current law allows spouses of fallen firefighters to transfer
12 a firefighter license plate to their name upon the death of their
13 spouse, if they do so within 60 days of the firefighter’s death.

14 (g) Given that surviving spouse’s grieving process can often
15 take months, if not years, it is only appropriate that the 60-day
16 transfer window be stricken so that a grieving spouse is granted a
17 reasonable amount of time to initiate the plate’s transfer.

18 (h) Further, it has been over a decade since the firefighter license
19 plate program was first launched. Since then, the fee specifically
20 associated with the purchase or renewal of the personalized
21 firefighter plates has not increased, while the need for services
22 rendered by the California Fire Foundation has increased
23 dramatically.

24 SEC. 2. Section 5101.2 of the Vehicle Code is amended to
25 read:

26 5101.2. (a) A person otherwise eligible under this article who
27 is a firefighter or a retired firefighter may apply for special license
28 plates for a vehicle under this article. License plates issued pursuant
29 to this section shall be issued in accordance with Section 5060.

30 (b) The applicant, by satisfactory proof, shall show all of the
31 following:

32 (1) The applicant is, or has retired, in good standing as an
33 officer, an employee, or a member of a fire department or a fire
34 service of the state, a county, a city, a district, or any other political
35 subdivision of the state, whether in a volunteer, partly paid, or
36 fully paid status.

37 (2) The applicant is, or was until retirement, regularly employed
38 as a firefighter or regularly enrolled as a volunteer firefighter.

(3) The applicant's principal duties fall, or fell until retirement, within the scope of active firefighting and any of the following activities:

- (A) Fire prevention service.
- (B) Fire training.
- (C) Hazardous materials abatement.
- (D) Arson investigation.
- (E) Emergency medical services.

(c) The special license plates issued under this section shall contain the words "California Firefighter" and shall run in a regular numerical series.

(d) In addition to the regular fees for an original registration, a renewal of registration, or a transfer of registration, the following special license plate fees shall be paid:

(1) A fee of fifty dollars (\$50) for the initial issuance of the special license plates. These special license plates shall be permanent and shall not be required to be replaced.

(2) A fee of thirty-five dollars (\$35) for each renewal of registration that includes the continued display of the special license plates.

(3) If the special license plates become damaged or unserviceable, a fee of thirty-five dollars (\$35) for the replacement of the special license plates, obtained from the department upon proper application therefor.

(4) A fee of fifteen dollars (\$15) for the transfer of the special license plates to another vehicle qualifying as a vehicle owned by a firefighter who has met the requirements set forth in subdivision (b).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with the special firefighter personal vehicle license plates and distinctive design or decal, the additional fees prescribed in Sections 5106 and 5108. The additional fees collected pursuant to this paragraph shall be deposited in the California Environmental License Plate Fund.

(e) Upon the death of a person issued special license plates pursuant to this section, the plates shall be transferred to the surviving spouse. Upon the death of the surviving spouse, the plates shall be returned to the department within 60 days after the death of the plateholder or upon the expiration of the vehicle registration, whichever occurs first. However, in the absence of a

1 surviving spouse or where the surviving spouse dies while in
2 possession of the special license plates, a member of the deceased
3 firefighter's family may retain one of the special license plates as
4 a family heirloom, subject to the conditions set forth in subdivision
5 (f), ~~upon submitting an affidavit to the department agreeing not to~~
6 ~~attempt to use the special license plate for vehicle registration~~
7 ~~purposes.~~ (f).

8 (f) The special license plates issued under this section are not
9 valid for use for vehicle registration purposes by a person other
10 than the person issued the special license plates under subdivision
11 (a) and the surviving spouse of that person.

12 (g) For purposes of this section, "family" means grandparents,
13 stepgrandparents, parents, stepparents, siblings, stepsiblings,
14 stepchildren, natural-born children, or adopted children of the
15 person issued the special license plates under subdivision (a).

16 (h) Except as provided in paragraph (5) of subdivision (d), the
17 revenues derived from the additional special fees provided in this
18 section, less costs incurred by the department pursuant to this
19 section, shall be deposited in the California Firefighters' Memorial
20 Fund established by Section 18802 of the Revenue and Taxation
21 Code.